



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,676	07/18/2005	Vincenzo Aloï	71633	1931

23872 7590 03/30/2007
MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

EXAMINER

HAWK, NOAH CHANDLER

ART UNIT	PAPER NUMBER
----------	--------------

3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/517,676

Applicant(s)

ALOI, VINCENZO

Examiner

Noah C. Hawk

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-6,9,11,12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-6,9,11,12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 2, 4 5, 6, 9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art (ADPA) in view of Kowalski in US Patent 4146074. The ADPA teaches an umbrella structure with ribs (12) having a saw-tooth profile (12a and 12b) with a base that runs the entire length of the saw-tooth component, and the trailing edges of the saw-tooth components have fixed thereon portions of the cover (18) but fails to teach a structural channel or movable saw-tooth components. Kowalski teaches a movable interface with a channel (5) having a narrow slot (S) and a transverse portion (11a and 11b) and components with insertion base (21) appendages that are slidable in the channel and fixable therein. Kowalski further teaches that the channel is shaped to receive nuts (the insertion bases can be considered nuts, as they are threaded), which are fixed in the channel with respect to rotation. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the ribs of the applicant's disclosed prior art by making the saw-tooth components slidable using an insertion-channel structure as taught by Kowalski, with

Art Unit: 3636

the insertion base running the entire length of the saw-tooth component, in order to allow the user to adjust the spacing between the sections of the cover.

3. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosed prior art (ADPA) in view of Kowalski in US Patent 4146074. The ADPA teaches an umbrella structure with a plurality () of ribs (12) having a saw-tooth profile (12a and 12b) with a base that runs the entire length of the saw-tooth component, and the saw-tooth components have fixed thereon portions of the cover (18) but fails to teach a structural channel or movable saw-tooth components. Kowalski teaches a movable interface with a channel (5) having a longitudinal slot (S) and a transverse portion (11a and 11b) and components with insertion base (21) appendages that are slidable in the channel and fixable therein. Kowalski further teaches that the channel is shaped to receive nuts (the insertion bases can be considered nuts, as they are threaded), which are fixed in the channel with respect to rotation. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the ribs of the applicant's disclosed prior art by making the saw-tooth components slidable using an insertion-channel structure as taught by Kowalski, with the insertion base running the entire length of the saw-tooth component, in order to allow the user to adjust the spacing between the sections of the cover.

Response to Arguments

4. Applicant's arguments with respect to claims 2,4-6,9,11,12 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmidt, La Londe et al., Herb et al., Hoffman et al., and Unverzagt et al. teach structural channel and slider systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NCH
NCH
3/27/07


DAVID DUNN
SUPERVISORY PATENT EXAMINER